



STUDENT ASSISTANT EMPLOYMENT POLICY

Category: Human Resource Management
Responsible Office: Human Resource Management

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POLICY SUMMARY

Student Assistant positions are established for the purpose of giving financial support to students while at the same time accomplishing necessary work for the campus with the recognition that they are students first. This procedure sets forth guidelines on the use of Student Assistant positions at Buffalo State.

POLICY

Appointment Criteria:

Student Assistants are part-time positions in the non-competitive class of Civil Service with non-statutory salary rates and are not assigned to a bargaining unit. No fringe benefits are provided to individuals in these positions, except as noted below. Their work status is temporary, and no long-term commitments are possible. Student Assistants are paid at an hourly rate only for the hours actually worked.

Student Assistants must be paid at least the federal minimum wage. The maximum rates are set by the SUNY Office of University-wide Human Resources.

Individuals assigned to these positions during the academic year must be regularly enrolled students of Buffalo State during the semester of employment. Individuals assigned to these positions over the summer must be enrolled for summer classes or for the upcoming fall semester. A student holding a Graduate Assistantship is not eligible for appointment as a Student Assistant.

Student Assistant positions fall into three basic levels of difficulty and should have appropriate pay distinctions:

1. Minimum level of specialized skills or previous work under the immediate supervision of an experienced employee. Only minimum training is normally required.
2. Previous related experience required. Duties usually require considerable skill. Skills normally obtainable in previous work assignments, educational classes, or hobbies.
3. Paraprofessional assignments. Expertise required, often as a result of student college training. Usually related to the student's instructional program.

Work Hour Limits:

Effective 9/1/2014, per the SUNY Policy on Student Assistant Positions, Student Assistant hours of employment are limited to a combined **maximum of 29 hours per week** for all student assistant and college work study assignments. This limit applies to all time periods, including semester breaks and the summer months.

The existing campus recommendation that Student Assistant hours of employment be limited to 20 hours per week while classes are in session remains unchanged, with consideration given to the student's academic standing when authorizing work hours over 20 hours per week.

International students are limited to working 20 hours per week while classes are in session per USCIS regulations.

Student Assistants may work more than one job on the Student Assistant payroll. However, the maximum number of hours per week cannot be exceeded in combined hours for all jobs. It is the responsibility of the student and the department to ensure hourly limits are adhered to.

Appointment Procedures:

All Student Assistant appointments will be made using the Student Assistant Appointment Form. Appointments must be submitted prior to the student beginning work. All students must verify employment eligibility using the I-9 Form no later than the first day of employment and the hiring manager is required to complete the form within three business days after the student's first day of employment. Additional employment forms include tax federal and state forms, HRMS-2 personal data collection form, Voluntary Self-Identification of Disability (CC-305), NYS Retirement Election Form, and direct deposit form. All forms noted above are available at <http://hr.buffalostate.edu/payroll>.

Benefits:

Student Assistants do not qualify for benefits with the following exceptions:

1. Student Assistants are eligible to enroll in the New York State Employees' Retirement System. Enrollment currently requires a 3% contribution to the Retirement System for students. The equivalent of ten years of full-time service is needed to become eligible for pension benefits.
2. Student Assistants injured during the performance of their duties are covered by New York State's worker's compensation policy.

Meal Breaks:

A meal break of a minimum of 30 minutes of unpaid time must be taken when a Student Assistant works more than 6 consecutive hours. **This unpaid break must be recorded on the timesheet.**

Timesheets:

Student Assistants are required to complete a biweekly timesheet for each job they are working. Each timesheet must be signed by the authorized approver. Student Assistant timesheets are considered legal documents for time and attendance. Timesheets and payroll schedules are available at <http://hr.buffalostate.edu/payroll>.

Jury Duty:

A 1991 amendment to the State Judiciary Law, Section 519, gives New York State employees ineligible for paid leave (hourly employees, student employees, etc.) who would normally receive no wages for time spent on jury duty, entitlement to certain payments. Specifically, when employees not eligible for leave are called to jury duty, the employer must pay the employee up to \$40.00 a day for the first three days of jury duty which conflict with the employee's regular work schedule. Proof that such absences are required must be submitted to their supervisor.

Military Leave:

Student Assistants are eligible for military leave under Section 242 of the New York State Military Law.

Student FICA (Social Security and Medicare) Exemption:

Section 3121(b)(10) of the Internal Revenue Code and Revenue Procedure 2005-11 set forth an exemption from FICA tax for employees of schools, colleges, and universities who are enrolled and regularly attending classes at those institutions (a) as at least a half-time undergraduate student or at least a half-time graduate or professional student, (b) is not a full-time employee of the campus, (c) is not a "professional employee" and (d) does not receive certain specified employment benefits, will qualify for the student FICA exemption.

International students are exempt from Social Security and Medicare under IRC Section 3121(b)(19) if they are:

1. A nonresident alien;
2. Present in the U.S. under an F, J, M, or Q visa;
3. Performing services in accordance with the primary purpose of the visa's issuance (i.e. the primary holder of the visa, the "-1").

Unemployment:

Per Section 511:15 of the New York Unemployment Insurance Law, for students at educational institutions, the term 'employment' does not include services rendered for an educational institution by a person who is enrolled and is in regular attendance as a student in such an institution. Therefore, Student Assistants are not eligible for unemployment insurance.

RELATED INFORMATION

Documents and Forms:

Student Assistant Appointment Form, I-9, tax forms, HRMS-2 personal data collection form, Voluntary Self-Identification of Disability (CC-305), NYS Retirement Election Form, direct deposit, Student Assistant Timesheet Authorization Form, timesheets, payroll schedule: <http://hr.buffalostate.edu/payroll>

Related Links:

SUNY Policy on Student Assistant Positions: www.suny.edu/sunypp/documents.cfm?doc_id=768

State Judiciary Law, Section 519: <http://codes.lp.findlaw.com/nycode/JUD/16/519>

State Military Law, Section 242: <http://codes.lp.findlaw.com/nycode/MIL/11/242>

IRS Revenue Procedure 2005-11: www.irs.gov/irb/2005-02_IRB/ar16.html

NYS DOL Unemployment Insurance: www.labor.ny.gov/ui/dande/title2.shtm#511

USCIS Employment of Foreign Students: www.uscis.gov/i-9-central/complete-correct-form-i-9/complete-section-1-employee-information-and-verification/foreign-students

NYS Workers' Compensation Board:

www.wcb.ny.gov/content/main/Workers/Coverage_wc/workerWhoCovered.jsp

Ethics Handbook: https://ethics.ny.gov/system/files/documents/2023/11/ethics-handbook-for-state-employees_nov10_final.pdf

Other Information:

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REVISION HISTORY

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Brief description of edit

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